



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Set Public Hearing for June 16, 1993, to Consider the Introduction of an Ordinance Adding Section 10.52.080 to Lodi Municipal Code to Prohibit the Parking of Commercial Vehicles Operating Diesel and/or Auxiliary Engines Within 250 Feet of a "Residential District", Between the Hours of 10 p.m. and 7 a.m., on Any Street Except State Highways

**MEETING DATE:** May 19, 1993

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council set a public hearing for June 16, 1993, to consider the introduction of an ordinance adding Section 10.52.080 to Lodi Municipal Code (LMC) to prohibit on-street parking of commercial vehicles operating diesel engines and/or auxiliary engines within 250 feet of a "residential district", between the hours of 10 p.m. and 7 a.m., on any street except State highways; and approve the method of sign placement for this restriction. Auxiliary engines include but are not limited to truck refrigerator units.

**BACKGROUND INFORMATION:** At the public hearing held on March 17, 1993, regarding truck parking and truck travel on City streets, Council elected to address the issues associated with this subject on a case-by-case basis. These issues are:

- ° Noise complaints on trucks legally parked near residences
- ° Sight obstruction complaints on trucks parking too close to driveways and intersections
- ° Truck travel complaints on various City streets

This is the first of three reports prepared on this subject and deals with noise complaints received related to truck parking. The two remaining issues will be reviewed at future Council meetings. The following is a list of locations where truck related noise complaints have been received:

- ° Mills Avenue - (west side) south of Turner Road, adjacent to General Mills
- ° Stockton Street - (west side) from Mission Street to Poplar Street, adjacent to PCP Cannery
- ° Cherokee Lane - (east side) south of Kettleman Lane, adjacent to Lodi Truck Service (1430 South Cherokee Lane)
- ° Cherokee Lane - (east side) north of Almond Drive, in front of Croce's Restaurant parcel
- ° Walnut Street - (south side) east of Stockton Street, adjacent to Safeway Grocery Store
- ° Elm Street - (north side) west of Ham Lane, adjacent to Lakewood Mall

APPROVED: \_\_\_\_\_

*Thomas A. Peterson*

THOMAS A. PETERSON  
City Manager



recycled paper

CC-1

Set Public Hearing for June 16, 1993, to Consider the Introduction of an Ordinance Adding Section 10.52.080 to Lodi Municipal Code to Prohibit the Parking of Commercial Vehicles Operating Diesel and/or Auxiliary Engines Within 250 Feet of a "Residential District", Between the Hours of 10 p.m. and 7 a.m., on Any Street Except State Highways  
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This list does not include complaints received at locations where truck parking is illegal under the existing truck parking ordinance. A map showing these areas is attached as Exhibit A. Other areas where this problem could occur are at any location where a "residential district" abuts a nonresidential parcel, such as a commercial use.

To address this issue, Public Works staff and the City Attorney drafted a new ordinance (LMC 10.52.080) designed to reduce residents' exposure to truck noise by restricting parked commercial vehicles from operating diesel or auxiliary engines within 250 feet of a "residential district" (Exhibit B). This restriction would be in effect everyday between the hours of 10 p.m. and 7 a.m. and applies to all on-street (public) parking within the City limits with the exception of State highways. The ordinance does not prohibit noise from commercial vehicles in the process of being loaded or unloaded. Commercial vehicles operating diesel or auxiliary engines on private property are also not restricted.

The 250-foot distance was chosen based on the distance it would take to dissipate truck engine noise to an acceptable level at the boundary of the "residential district". Because each individual's tolerance to sound is different, comparing the level of noise to human annoyance is difficult to determine. The data used to determine the distance used for this restriction is shown in Appendix 1. The time limit used for this restriction (10 p.m. to 7 a.m.) corresponds with the existing noise ordinance described below.

Currently, there are two existing ordinances in Title 9, "Public Peace, Morals and Welfare", of the Lodi Municipal Code related to public nuisance and excessive noise. These ordinances differ from the proposed ordinance because they only allow citations to be issued to the individual creating the offensive noise. Thus, citations for trucks could not be issued until the driver of the truck was located. The proposed ordinance would allow citations to be placed on the vehicle.

The California Vehicle Code indicates that this type of restriction shall not apply until signs or markings giving adequate notice have been placed. Staff has reviewed the following two signing methods for this restriction. These methods and their advantages and disadvantages are shown below with additional discussion following. The proposed sign installation locations and sign wording are shown on Exhibit C.

Method 1 - Install signs at all major entrances to the City. Provide warning period prior to issuing citations.

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Advantages

- °Provides notice to truck drivers entering the City of these restrictions
- °Warning period allows truck drivers to become familiar with the restrictions prior to receiving a citation

Disadvantages

- °Only truck drivers entering the City would be exposed to signing
- °May be difficult to read since it is a nonconforming sign

Method 2 - Install signs at all major entrances to the City and specific locations where problems have been reported.

Advantages

- °Provides double notice to truck drivers entering the City and at complaint locations

Disadvantages

- °Could confuse drivers by implying that the restriction is not in effect at unsigned locations
- °High cost of signing all locations and "chasing" the problem around town

Discussion/Recommendation: The proposed truck noise ordinance was designed to work in conjunction with the existing commercial vehicle parking ordinance (LMC 10.52.050). The existing ordinance restricts commercial vehicle parking in "residential districts" at all times of the day. In combination with the proposed ordinance, they will resolve the majority of truck parking problems related to noise at or near residences. Of the six locations on which we have received complaints, the proposed ordinance will resolve the problem at all locations except on Cherokee Lane, adjacent to Lodi Truck Service. Staff believes this to be a rare incident since this is an isolated single-family residence surrounded by commercial and industrial uses. This restriction is also easy to enforce because a decibel reading is not required. The specified distance can also be easily measured since zoning boundaries which follow property lines are generally distinguishable in the field. The only concern staff has regarding this restriction is that noise problems could continue to occur if truck drivers park in this area when the noise ordinance is not in effect and leave during the restricted time, before enforcement can arrive at the scene. This problem can be remedied by restricting parking within 250 feet of a "residential district" at all times; however, an all-day restriction is not recommended based on the reason indicated below.

Staff has received a citizen request to extend the time limit on this restriction to be in effect at all times. While this would be beneficial to those residents who sleep during the day, there would be a problem at locations where businesses are located within 250 feet of a "residential district". At these locations, commercial vehicles would not be allowed to park at any time in front of restaurants or stores within the restricted distance of a "residential district" with engines or


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refrigerator units operating. This problem would occur on Cherokee Lane, Lodi Avenue, Turner Road and many other locations. Since the needs of truck drivers should be balanced with the needs of the community, staff does not feel it is appropriate to restrict truck parking all day. Also, as previously discussed, the existing commercial vehicle parking restriction will continue to be in effect all day.

When considering signing for a restriction, in general, the more signs posted the better compliance will be. However, due to the type of restriction, staff does not feel that is true in this case. Posting signs at problem areas as well as major entrances to the City would provide additional notice to drivers; however, it would also imply that parking in unsigned areas is legal. This could be a problem where unsigned areas and signed areas meet. Depending on the specific location, parking in these unsigned areas may or may not be legal. The only way to totally alleviate this confusion is by posting signs at every location where the restriction applies, which is not practical. Also, since this restriction is similar to the existing truck parking ordinance, signing individual locations for either or both of these restrictions could be confusing to drivers since the restrictions are different. Staff feels that a better solution would be to place signs only at the major entrances to the City, displaying both the parking and noise restrictions. Staff will prepare an information sheet describing the allowable parking areas. Because individual locations will not be signed, it may be desirable to provide a warning period prior to issuing citations to allow drivers to become familiar with the restriction. If enforcement is not effective at a particular location, an alternate method of restriction, such as the installation of no-parking zones, can be considered.

Based on these factors, staff recommends that Council set a public hearing to consider the introduction of an ordinance adding Section 10.52.080 to Title 10 of the Lodi Municipal Code with the restriction applying everyday between the hours of 10 p.m. to 7 a.m. Staff also recommends the approval of signing Method 1 (installing signs only at the major entrances to the City).

FUNDING: \$5,000, source to be determined.

  
Jack L. Ronsko  
Public Works Director

Prepared by Rick S. Kiriou, Senior Engineering Technician

JLR/RSK/lm

Attachments

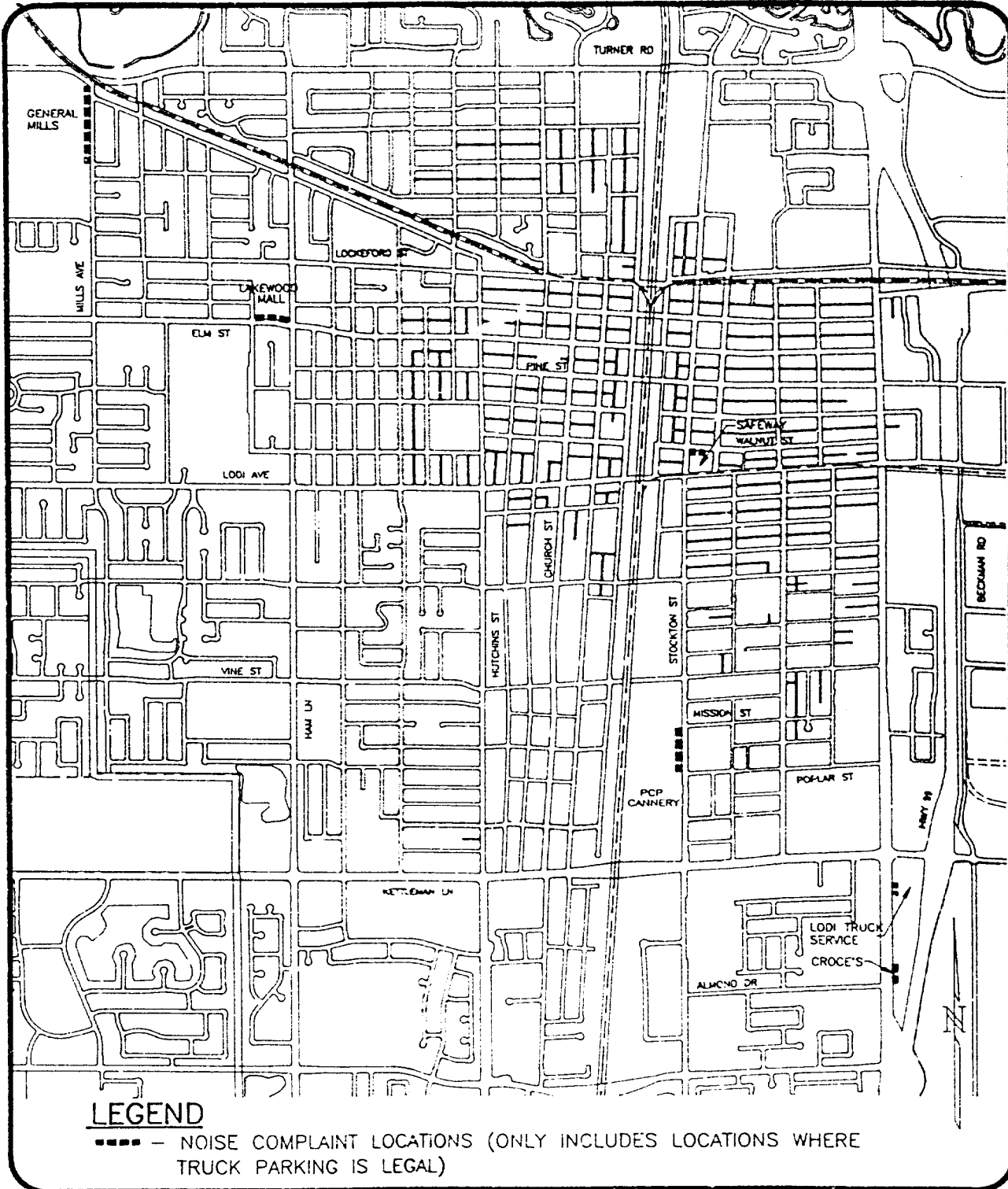
cc: City Attorney  
Police Chief  
Street Superintendent  
Associate Traffic Engineer  
Concerned citizens



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## TRUCK PARKING NOISE COMPLAINTS



**Exhibit B**

**10.52.080 Parking Noise Restrictions.**

A. It is unlawful to stop, park or leave standing a commercial vehicle exceeding a maximum gross vehicle weight rating of 10,000 pounds within 250 feet of a "residential district" while operating diesel and/or auxiliary engines between the hours of 10:00 p.m. and 7:00 a.m. Auxiliary engines include but are not limited to refrigerator units. This distance is the shortest distance measured from the vehicle to the nearest point on the district boundary. The term "residential district" is as defined in L.M.C. Section 10.52.050(a). (Vehicle Code 22507)

B. This section shall not prohibit parking of commercial vehicles in the process of being loaded or unloaded.

C. This section shall not apply to parking on state highways.

## **Appendix 1**

### **Determination of Acceptable Noise Level in Residential Areas**

#### **Method of Determination:**

As briefly discussed in the report, determining an acceptable noise level in a residential area is difficult because it depends on the individual's tolerance. Staff has employed methods and data currently available on this subject in order to determine what is considered reasonable. The publications that have been referenced are indicated at the bottom of the page.

Sound from a point source spreads in a spherical manner away from the source. This spreading results in a sound level decrease of 6 dB for each doubling of distance. It is known as the "inverse square law." The reference material reviewed indicates that a truck produces approximately 80 decibels (dB), recorded 50 feet away. An acceptable level of noise in a residential area was determined to be up to 65 dB, measured outside, with common building construction making the indoor environment acceptable. Using this method, the distance it would take for the generated noise of 80 dB to reduce to 65 dB is 282 feet under optimum conditions. Staff recommends a restriction of 250 feet since the distance is measured to the district boundary and does not include building setback.

#### **References:**

The reference data used is from the following publications:

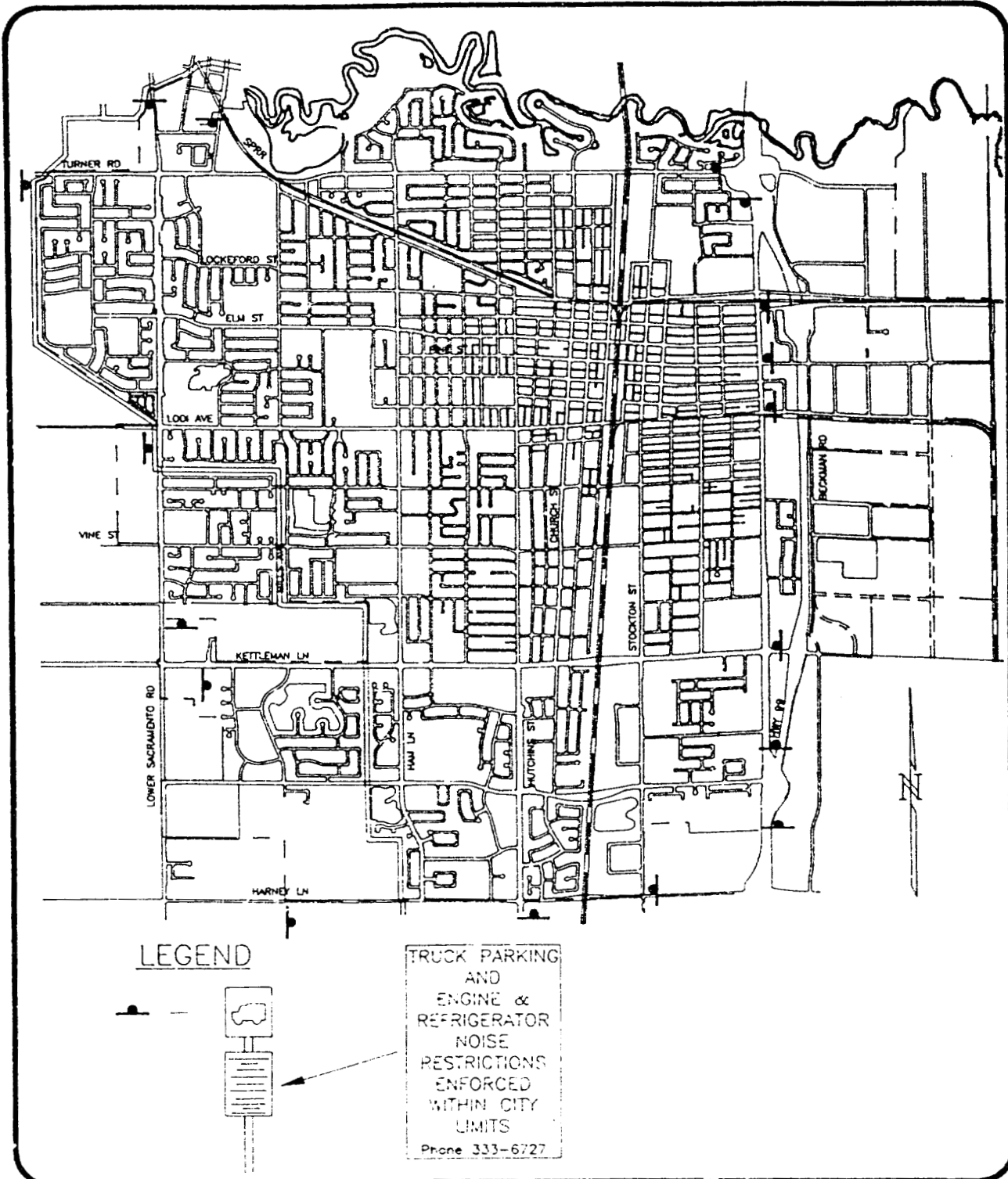
- Traffic and Transportation Handbook - published by the Institute of Traffic Engineers, second edition
- U.S. Department of Housing and Urban Development - The Noise Guide Book
- Noise Manual - published by the Department of Transportation, training manual



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## COMMERCIAL VEHICLE RESTRICTION SIGNING





CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
RAY G. DAVENPORT  
STEPHEN J. MANN  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795  
May 13, 1993

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

SUBJECT: Set Public Hearing for June 16, 1993, to Consider the  
Introduction of an Ordinance Adding Section 10.52.CEC to Lodi  
Municipal Code to Prohibit the Parking of Commercial Vehicles  
Operating Diesel and/or Auxiliary Engines Within 250 Feet of a  
"Residential District", Between the Hours of 10 p.m. and 7 a.m.,  
on Any Street Except State Highways

Dear Property Owner/Resident:

Enclosed is a copy of background information on an item that is on the  
consent calendar for the City Council meeting on Wednesday, May 19, 1993,  
at 7:00 p.m. The meeting will be held in the City Council Chamber,  
Carnegie Forum, 305 West Pine Street. You are welcome to attend.

Please note that at this meeting, the item is being set for a public  
hearing on June 16, 1993, at which time public comments will be heard and  
the Council will make a decision on the matter.

If you wish to communicate with the City Council, please contact  
Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item, please call Rick Kiriu or me at  
(209) 333-6706.

  
Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓

LTRKNOIS/TXTW.02M

CITY OF LODI  
221 WEST PINE STREET  
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING - INTRODUCTION OF ORDINANCE  
ADDING SECTION 10.52.080 TO THE LODI MUNICIPAL CODE

PUBLISH DATES: SATURDAY, MAY 22, 1993

TEAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: MAY 20, 1993

ORDERED BY:

*Peggy Nicolini*  
PEGGY NICOLINI  
DEPUTY CITY CLERK

DECLARATION OF MAILING

On May 20, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 20, 1993, at Lodi, California.

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Jennifer M. Perrin  
City Clerk

  
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Peggy Nicolini  
Deputy City Clerk



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

EXHIBIT A

## NOTICE OF PUBLIC HEARING

Date: June 16, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing  
Please Contact:

Jennifer M. Perrin  
City Clerk  
Telephone: 333-6702

## NOTICE OF PUBLIC HEARING

June 16, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) the introduction of an ordinance adding Section 10.52.080 to Lodi Municipal Code to prohibit the parking of commercial vehicles operating diesel and/or auxiliary engines within 250 feet of a "residential district", between the hours of 10 p.m. and 7 a.m., on any street except State highways.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

Dated: May 19, 1993

Approved as to form:

  
Bobby W. McNatt  
City Attorney

**EXHIBIT B**

&NAME  
&ADD  
&CITY

JOHN & PENNY MATTOS  
944 S STOCKTON ST  
LODI CA 95240

HAROLD HENNEY  
468 PIONEER DR  
LODI CA 95240

MR & MRS DAVID MITTLEIDER  
1925 ROBERT ST  
LODI CA 95242

ED WALLACE  
1430 S CHEROKEE LN  
LODI CA 95240

SHIRLEY PLATH  
1439 VOELKER DR  
LODI CA 95240

STEVE & CONNIE SCHNABEL  
1107 WIMBLEDON DR  
LODI CA 95240

ALFRED JOACHIM  
609 RIMBY AVE  
LODI CA 95240

DR HOMER  
325 W LOCKEFORD ST  
LODI CA 95240

ALICE STOVER  
231 W LOCKEFORD ST  
LODI CA 95240

ARLENE SCHLABS  
25 S MILLS AVE  
LODI CA 95242

DAVE KIRKCALDY  
1806 S CHURCH ST  
LODI CA 95240

GERALDINE PESSOA  
621 EUREKA AVE  
LODI CA 95240

JIM PARKER  
1993 CARMEL CR

LODI CA 95242

JOHN KONANZ  
72 N PACIFIC AVE  
LODI CA 95242

JANE HOLDEN  
207 E WALNUT  
LODI CA 95240

DON SOARES  
359 E CENTURY BLVD  
LODI CA 95240

GARY LUND  
P O BOX 22  
LODI CA 95241

GEORGE BARNES  
2250 SCARBOROUGH DR #65  
LODI CA 95240

LU BENSON  
714 N MILLS AVE  
LODI CA 95242

BERNICE HANSON  
1336 W ELM ST  
LODI CA 95242

BILL BARTON  
1456 KEAGLE WAY  
LODI CA 95242

CHARLIE BECKMAN  
850 E KETTLEMAN LN  
LODI CA 95240

ROBERT'S PETROLEUM  
930 E VICTOR RD  
LODI CA 95240

PAUL E VAZ TRUCKING  
12856 E HARNEY LN  
LODI CA 95240

TOM ZAYAS INC  
26353 N VAIL RD  
THORNTON CA 95686

D H WINN TRUCKING INC  
19555 N TULLY RD  
LOCKEFORD CA 95237

CTRUCKPK.LST/TXTW.02M

VALLEY MATERIAL TRANSPORTATION INC  
415 S SACRAMENTO ST  
LODI CA 95240

BOB L TONN TRUCKING  
7000 E KETTLEMAN LN  
LODI CA 95240

TIGER LINES INC  
P O BOX 1940  
LODI CA 95241

TERESI TRUCKING  
900 1/2 E VICTOR RD  
LODI CA 95240

T & T TRUCKING INC  
11396 N HWY 99  
LODI CA 95240

STRIBLING BROS LIVESTOCK TRANSPORTATION  
13226 MC FARLAND  
GALT CA 95632

SHULZ BROS. TRUCKING  
24375 N KENNEFICK RD  
GALT CA 95632

RAUSSER BROS TRUCKING  
11964 E LIBERTY RD  
GALT CA 95632

POTTER ENTERPRISES INC  
P O BOX 2703  
LODI CA 95241-2703

LODI TRUCK SERVICE  
1430 S CHEROKEE LN  
LODI CA 95240

KISHIDA TRUCKING  
19555 N HWY 99  
ACAMPO CA 95220

KISHIDA TRUCKING CO  
1725 ACKERMAN  
LODI CA 95240

JSG TRUCKING CO INC  
19400 N HWY 99  
ACAMPO CA 95220

CHARLIE GUESS TRUCKING  
12101 E BRANDT RD

CTRUCKPK.LST/TXTW.02M

LOCKEFORD CA 95237

GARCIA'S TRUCKING  
4679 E HARVEST RD  
ACAMPO CA 95220

FTG CONSTRUCTION MATERIALS  
804 N CLUFF AVE  
LODI CA 95240

LES CALKINS TRUCKING  
19501 N HWY 99  
ACAMPO CA 95220

C W ENTERPRISES  
23987 N HWY 99  
ACAMPO CA 95220

BODINE TRUCKING  
23835 N DUSTIN RD  
ACAMPO CA 95220

FRANK C ALEGRE TRUCKING INC  
803 N CLUFF AVE  
LODI CA 95240

PACIFIC COAST PRODUCERS  
32 E TOKAY ST  
LODI CA 95240

GENERAL MILLS INC  
P O BOX 3002  
LODI CA 95241-1906

FRED & CORALEE DUTRA  
2307 YOSEMITE DR  
LODI CA 95242

ERMINIO URIAS  
612 RUTLEDGE DR  
LODI CA 95242

DEL SMITH  
2505 W TURNER RD  
LODI CA 95242

EILEEN DENNY  
1819 S CHEROKEE LN #62  
LODI CA 95240

GEORGE GARCIA  
852 DAISY AVE  
LODI CA 95240

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MIKE PATEL  
RANCHO GRANDE MOTEL  
807 S CHEROKEE LN  
LODI CA 95240

RICK LONG  
WALLACE COMPUTER SERVICES  
1831 S STOCKTON ST  
LODI CA 95240

ALAN BOHMAN  
LODI ACADEMY  
1230 S CENTRAL AVE  
LODI CA 95240

LARRY WEAVER  
CORNER POCKET BILLIARDS  
725 S CHEROKEE LN  
LODI CA 95240

SCOTT FREEMAN  
A & J AUTO  
521 N CHEROKEE LN  
LODI CA 95240

OTTO ALBREHT  
ARBOR CONVALESCENT HOSPITAL  
900 N CHURCH ST  
LODI CA 95240

LARRY BOWLES  
TCKAY BOWL  
620 S TOKAY ST  
LODI CA 95240

LES DABRITZ  
CHAMBER OF COMMERCE  
P O BOX 386  
LODI CA 95240

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